

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, March 27, 2013**

1. Call to Order:

Chairman Preston Hicks called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Steve Barker	John Godfrey	Dave Walters
Dan Buscher	Preston Hicks	
Jan Frantz	John Stetler	

Members Excused: Mayor Susan Baldwin, and Chip Spranger

Staff Present: Christine Hilton, Planning Supervisor
Eileen Wicklund, City Attorney
Marcel Stoetzel, City Attorney's Ofc.
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of February 27, 2013.

**MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY
COMMISSIONER BARKER, TO APPROVE THE PLANNING COMMISSION
REGULAR MEETING MINUTES FOR FEBRUARY 27, 2013 AS PRESENTED.**

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: None

Commissioner Hicks Opened the Public Hearing

6. Public Hearings and Deliberation/Recommendations:

- A. Special Use Permit #S-02-13:** Petition from Family Health Center of Battle Creek, 181 W. Emmett St., Battle Creek, MI 49037. Requesting a Special Use Permit of the following described properties for use as a Parking Lot as permitted under the Planning and Zoning Code, Chapter 1290.01(b)(13), for properties located at 156 W. Emmett St.; parcel #0660-00-013-0; #0660-00-011-0; and #0660-00-010-0.

Dr. A.J. Jones, President & CEO, Family Health Center of Battle Creek, 181 W. Emmett Street came forward to speak on behalf of their request. Stated they are here today to ask for a parking lot on the three parcels that Mr. Hicks noted and that two years ago they had received approval of a special use permit for a parking lot on a different parcel they owned and have now purchased additional parcels; one of which was the old barber shop and an apartment building of which the neighbors are very thankful they are now demolished. Said they would be using the parking lot for overflow parking for employees and also for their conference room that is in their lower level

of the Family Health Center. Dr. Jones noted the entrances to the parking lot would be from Hanover Street and Buckeye Street.

Dr. A.J. Jones said there was a concern regarding a fence required to be placed between the residential properties and the parking lot; said they planned to make a green space with the additional parcels on Hanover St. they will purchase from the County and that the neighbors stated they do not want a fence because of security; said on Buckeye St. they had a community garden with a white picket fence that is lower with greenscape and would like to have the same for the parking lot and that the neighbors are happy with the open green space concept.

With no others wishing to speak, Commissioner Hicks closed the public hearing.

Ms. Christine Hilton, Planning Supervisor, referenced the staff report noting they are proposing 74 parking spaces and that according to the city ordinance a fence screening would need to be higher than 4 ft. or green landscaping as a buffer; would need to provide the type of buffer they would be using and also to have acquired the properties to the north before submitting their plan. Ms. Hilton stated the Planning Department does support their request and also because of being in a "C-3 Intensive Business" zone it could have a more intensive use and could be more detrimental to the neighborhood than a parking lot.

Ms. Eileen Wicklund, City Attorney asked if they would be considering a request different than the 6 ft. privacy fence or buffer as the motion needs to include the height of the fence or buffer that is being approved. Ms. Hilton stated the motion should include the conditions.

MOTION BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER FRANTZ TO APPROVE THE SPECIAL USE PERMIT FOR A PARKING LOT AS PRESENTED TO INCLUDE THE STAFF RECOMMENDATIONS AND CONDITIONS OUTLINED IN THE STAFF REPORT.

Discussion:

Commissioner Frantz stated in reading the report and listening to Dr. Jones; she shares the concerns of having a 6 ft. fence that would not provide a view from both sides can be an opportunity for those with unscrupulous activities in mind. Commissioner Frantz suggests a modification to the motion to consider landscaping as an option to a 6 ft. fence in the staff recommendations. Noted she is unsure of which parcels #1 thru #4 would have landscaping instead of a fence. Ms. Hilton stated it would be required along the north edge of lots noted as #1 & #3 and the western part of #3 as well.

MOTION TO AMEND THE MOTION BY COMMISSIONER FRANTZ, SUPPORTED BY COMMISSIONER STETLER TO APPROVE THE SPECIAL USE PERMIT FOR A PARKING LOT TO ALLOW FOR LANDSCAPING OR A LOWER FENCE AS AN OPTION FOR THE REQUIREMENT OF A 6 FT. FENCE BETWEEN RESIDENTIAL ZONED PARCELS AND TO INCLUDE THE STAFF RECOMMENDATIONS AND CONDITIONS OUTLINED IN THE STAFF REPORT.

Commissioner Buscher asked Ms. Hilton regarding the earlier presentation that indicated specific requirements under the zoning ordinance for the type, distance and height of the landscaping that she thought would be appropriate; his question is to the City Attorney, are they required to put in the motion that any landscape in these particular areas comply, or do they need to specifically state

what those requirements are in the motion. Ms. Wicklund said no, she believes the intent of Commissioner Frantz is that landscaping be considered in accordance to what the Cities ordinance provides for a buffer and they can work with the Planning Department for a plan that is appropriate.

Commissioner Buscher asked if they can minimally comply, but if they exceed the scope it would not violate the terms. Ms. Wicklund stated they can do more than the minimum and sounds like they are working with the neighbors; but they would need to do the minimum required.

Commissioner Godfrey asked regarding the notion of five parcels and if the third parcel was a vacant lot. Answer: Yes, that was correct.

Commissioner Walters noted he wanted to make a comment that he was thrilled with time and effort in the new development as it has been a section of a crime area for many years and am excited to see that change taking place and also with their cooperation with the neighbors and going through the process the way that they have done.

Commissioner Hicks asked commissioners for a vote.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

7. Old Business:

A. Election of Officers:

Ms. Eileen Wicklund, City Attorney, noted that according State Law and our bylaws there needs to also be an Secretary elected; noted that position is honorary and that in the past the Planning Supervisor has acted in that capacity for the Commission.

MOTION MADE BY COMMISSIONER STETLER, SUPPORTED BY COMMISSIONER WALTERS TO NOMINATE COMMISSIONER BUSCHER AS SECRETARY FOR THE PLANNING COMMISSION.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

MOTION MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER BUSCHER TO NOMINATE COMMISSIONER FRANTZ AS VICE-CHAIRPERSON FOR THE PLANNING COMMISSION.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

MOTION MADE BY COMMISSIONER BUSCHER, SUPPORTED BY COMMISSIONER BARKER TO NOMINATE COMMISSIONER HICKS AS CHAIRPERSON FOR THE PLANNING COMMISSION.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

8. New Business: None

9. Comments by the Public: None

10. Comments by the Staff and Commission Members:

Ms. Hilton asked Commissioner Frantz to clarify her motion regarding the Special Use Permit; if it was to approve with a fence in addition to the landscaping. Commissioner Frantz said it was to approve with landscaping in lieu of a fence.

Commissioner Stetler thanked the staff for the work done on the reports.

Commissioner Hicks asked Ms. Hilton if the date had been set for the upcoming workshop. Ms. Hilton stated most responses were positive for April 18th.

Commissioner Stetler asked what the workshop regarding. Ms. Wicklund stated there were some City Commissioners that wanted to look at the Special Use Permit factors, especially the Adult Foster Care concept, etc. and/or any changes that might need to be made. Said that Group Home types were to be reviewed also for the Housing Study done and looking at regulations.

Commissioner Stetler asked if the City Commission does any consent agenda approval for Special Use Permits. Ms. Wicklund stated no, they have the same process as the Planning Commission does in reviewing and voting on each item on their agenda.

Commissioner Godfrey asked the nature of the joint meeting primarily regarding Group Homes. Ms. Wicklund stated yes, also time limitations for Special Use Permits.

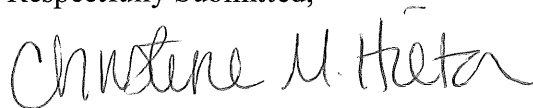
Commissioner Hicks asked if the outcome of the workshop was for more clarification of Special Use Permits. Ms. Wicklund stated yes, also to discuss if conditions should be added such as time limits etc. with Group Homes it is a concern they may change the neighborhood.

Commissioner Walters asked if there was a need for a Special Use Permit or is there another way for them to be allowed.

Commissioner Buscher asked if there would be an educational session also with the workshop. Ms. Wicklund stated yes, that the Fair Housing Act etc. they need to be aware of the laws not violating peoples' rights.

11. Adjournment: The meeting was adjourned at 4:34 P.M.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Christine M. Hilton".

Christine M. Hilton, AICP.
Executive Secretary, Planning Commission